

**REMARKS**

Claims 1-7 and 9-14 are pending in the application. Claims 1, 5 and 11-12 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

***I. PRIORITY DOCUMENT***

Applicants thank the Examiner for bringing to their attention the missing certified copy of the priority application JP 2002-222669. Applicants' records indicate that a certified copy of the priority application was submitted with the present application on July 25, 2003. However, applicants' review of the image file wrapper in PAIR shows only a copy of the transmittal letter.

As it appears the certified copy of the priority application may have been misplaced during processing, applicants submit herewith Form PTO/SB/38 requesting that the USPTO obtain another certified copy from the JPO in order that the file be complete.

***II. REJECTION OF CLAIMS 5, 11 AND 12 UNDER 35 USC §101***

Claims 5, 11 and 12 stand rejected under 35 USC §101 as being directed to non-statutory subject matter.

As suggested by the Examiner, applicants have amended claims 5, 11 and 12 such that the program is embodied on a computer-readable medium. Applicants respectfully submit that claims 5, 11 and 12, as amended, represent statutory subject matter. Withdrawal of the rejection is respectfully requested.

**III. REJECTION OF CLAIMS 1-7 AND 9-14 UNDER 35 USC §103(a)**

Claims 1-7 and 9-14 stand rejected under 35 USC §103(a) based on *Lipscomb et al.* Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Applicants respectfully submit that the AV system of the present invention differs fundamentally from that which is taught in *Lipscomb et al.* According to the present invention, it is the client that need be authenticated to obtain access to the secure storage region of the server. In other words, it is the device itself (e.g., personal computer 12, network type audio apparatus 14, etc.) which is authenticated in relation to the server. This is different from a system such as in *Lipscomb et al.* where the user of the client is authenticated in lieu of the client itself.

More particularly, in rejecting the claims the Examiner refers to *Lipscomb et al.* as teaching broadcasting a predetermined magic word in the form of user-specific passwords and/or confirmation codes. However, the user-specific passwords and confirmation codes referred to in *Lipscomb et al.* are assigned to a user and may be entered by the user into a client (e.g., media player device 200). The user-specific passwords and confirmation codes authenticate the user rather than the client device itself.

Such difference is significant for at least the following reasons. In systems such as *Lipscomb et al.*, the password is known to the user only and registered in the system. The user enters the password with a user ID (user name) in order to log into the system. The system authenticates the user by comparing the entered password with the registered password. However, if the password is intentionally or unintentionally known to any person other than the user with the user's ID, the system wrongly allows the other to be logged in. If a user intentionally or unintentionally tells another his/her password, the other can also access the media asset sources 100 illegally.

In the present invention, on the other hand, the client device itself is authenticated thus avoiding simple usage of a user ID or password to gain access to the

system. For example, the predetermined magic word may be pre-registered in the client as a result of installing the dedicated application software. Hence, the magic word need never be known to the user. Consequently, a user may only utilize an authorized client to access a secure storage region within the system, regardless of whether the user has obtained a user password or confirmation code legitimately or not.

Claims 1, 4, 5, 6 and 7 each expressly recite the feature of authenticating the client itself based on the magic word broadcasted from the client. For the reasons discussed above, *Lipscomb et al.* does not teach or suggest such authentication of the client itself. Rather, *Lipscomb et al.* teaches authentication of the user via the use of user passwords and confirmation codes which confirm use by the user. Consequently, *Lipscomb et al.* suffers from the above-discussed disadvantages associated with an AV system.

For at least the above reasons, applicants respectfully request withdrawal of the rejection of claims 1-7 and 9-14.

### **III. CONCLUSION**

Accordingly, all claims 1-7 and 9-14 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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